NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

RONALD P. YOUNKINS, ESQ.
EXECUTIVE DIRECTOR

MEMORANDUM

June 23, 2016

To: Hon. Fern A. Fisher
Hon. Michael V. Coccoma

From: Ronald Younkins RY

Re: Revised Redaction Rule for Matrimonial Actions

As you may recall, upon the recommendation of the Matrimonial Practice Advisory and Rules Committee and following a period of public comment, Chief Administrative Judge Lawrence K. Marks signed administrative order AO/192/15 in December 2015 (effective March 1, 2016), promulgating 22 NYCRR §202.16(m) and providing for the limited redaction of personal information from written decisions in contested matrimonial actions.

At the further recommendation of the Committee, Judge Marks recently signed AO/143/16 (attached), clarifying that the redaction requirement set forth in the rule applies only where the court is submitting a decision, order, judgment, or combined decision and order or judgment for publication, and that unpublished rulings may remain unredacted. The revised rule also clarifies conventions as to identification of the parties or minor children in published court rulings in matrimonial actions. These revisions are designed to simplify application of the redaction rule, while still protecting privacy of parties and preventing identity theft.

Questions about the revised rule may be directed to Susan Kaufman, Counsel to the Matrimonial Practice Advisory and Rules Committee (914-824-5541; skaufma1@nycourts.gov).

Please distribute this memorandum to judges and court attorney referees and staff assigned to matrimonial matters. And as always, thank you for your assistance.

Enclosure

cc. Administrative Judges
Hon. Jeffrey Sunshine
Barry Clarke, Esq.
John George, Esq.
Maria Logus, Esq.
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District Executives
NYC Chief Clerks
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ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend section 202.16(m) of the Uniform Rules for the Supreme and County Courts, addressing the omission or redaction of confidential personal information from matrimonial decisions, to read as follows, effective immediately:

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§202.16. Matrimonial actions; calendar control of financial disclosure in actions and proceedings involving alimony, maintenance, child support and equitable distribution; motions for alimony, counsel fees pendente lite, and child support; special rules.

* * *

(m) Omission or Redaction of Confidential Personal Information from Matrimonial Decisions.

(1) Except as otherwise provided by rule or law or court order, and whether or not a sealing order is or has been sought, **prior to submitting any decision, order, judgment, or combined decision and order or judgment in a matrimonial action for publication,** the court shall redact the following confidential personal information: [~~in issuing written decisions in matrimonial matters subject to this section.~~]

i. the taxpayer identification number of an individual or an entity, including a social security number, an employer identification number, and an individual taxpayer identification number, except the last four digits thereof;

ii. the actual home address of the parties to the matrimonial action and their children;

iii. the full name of an individual known to be a minor under the age of eighteen (18) years of age, except the minor's initials **or the first name of the minor with the first initial of the minor's last name; provided that nothing herein shall prevent the court from granting a request to use only the minor's initials or only the word "Anonymous;"**~~;~~

iv. the date of an individual's birth (including the date of birth of minor children), except the year of birth;

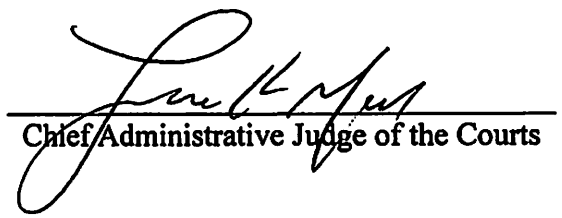
v. the full name of either party where there are allegations of domestic violence, neglect, abuse, juvenile delinquency or mental health issues, except the party's initials **or the first name of the party with the first initial of the party's last name; provided that**

nothing herein shall prevent the court from granting a request to use only the party's initials or only the word "Anonymous;"; and

vi. a financial account number, including a credit and/or debit card number, a bank account number, an investment account number, and/or an insurance account number (including a health insurance account number), except the last four digits or letters thereof.

(2) Nothing herein shall require parties to omit or redact personal confidential information as described herein or 22NYCRR § 202.5(e) in papers submitted to the court for filing[~~, nor shall this rule apply to judgments or orders entered by the court~~].

(3) Nothing herein shall prevent the court from omitting or redacting more personal confidential information [~~from a written decision~~] than is required by this rule, either **upon the request of a party** [~~on motion~~] or sua sponte.



Chief Administrative Judge of the Courts

Dated: June 22, 2016

AO/143/16